

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: TBA
)	
Shue, Youe-Kong, et al.)	Group Art Unit: 1623
)	
Serial No.: 10/574,054)	Docket No.: 8031-011-US
)	
Filed: March 29, 2006)	
)	
For: Treatment of a Condition)		
in a Mammal with)	
Administration of Aminosugar)	
and Uses Thereof)	

Request of Correction of Errors on Filing Receipt

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

This Request is being submitted for the purpose of correcting numerous errors appearing on the Filing Receipt mailed March 15, 2007. Applicant only noticed the error upon observing an incorrect filing date on the Notice of New or Revised Projected Publication Date, as Applicant never received a paper copy of the Filing Receipt. Applicant respectfully requests the following corrections to the Filing Receipt:

The Filing Receipt indicates a filing date of June, 7, 2006. However, this is the date of the assignment recordation at Reel/Frame: 018127/0320. The filing date of the application was March 29, 2006. We have enclosed a

copy of the Transmittal Letter to the United States Designated/Elected Office Concerning Submission under 35 U.S.C. 371, in which the PCT recordation stamp shows the date March 29, 2006. Additionally, Applicant directs the attention of the Office to the Express Mailing date, which also shows the March 29, 2006 date. Therefore, Applicant requests a correction depicting the true filing date of March 29, 2006.

The Filing Receipt lists only one applicant. We have enclosed a copy of the Application Data Sheet under 37 CFR 1.76, mailed on March 29, 2006. The PCT recordation stamp shows the date March 29, 2006 as the date accorded for the above filing. Please correct the Filing Receipt to show the following applicants:

Youe-Kong Shue, Carlsbad, CA
Franklin W. Okumu, San Diego, CA
Alexander R. Shikhman, Escondido, CA
Martin Lotz, La Jolla, CA

The Filing Receipt only lists one of two priority applications. Please see the enclosed copy of the Application Data Sheet under 37 CFR 1.76, mailed on March 29, 2006. This indicates the following priority information: (1) PCT Application No. PCT/US04/32048, filed on September 30, 2004, and designating the United States; and (2) United States Provisional Patent Application Serial No. 60/507,716 filed on October 1, 2003, from which PCT Application No. PCT/US04/32048 claimed priority. Please add United States Provisional Patent Application Serial No.


60/507,716, filed on October 1, 2003, to the Filing Receipt.

The Attorney Docket Number for this application has been changed. Applicant kindly requests a change to the docket number from 8024011US to 8031-011-US.

It is believed that there are no fees due for this request. If this is not the case, please charge any additional fees, or credit any overpayments, to Deposit Account No. 502235. The Office may contact Applicant's representative at (858) 200-0586 for additional clarification.

Respectfully submitted,

Date: May 17, 2007



David M. Kohn, Esq.
Reg. No.: 53,150

CATALYST LAW GROUP, APC
9710 Scranton Road, Suite 170
San Diego, California 92121
(858) 450-0099
(858) 450-9834 (Fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
10/574,054	06/07/2006	1623	150	8024011US	33	3

rec'd from = 018127/0320
This is date assignment was recorded
Filing Date should be March 29, 2006

This should be 3031-01-US

CONFIRMATION NO. 7988

FILING RECEIPT

32301

CATALYST LAW GROUP, APC
 9710 SCRANTON ROAD, SUITE S-170
 SAN DIEGO, CA 92121

Date Mailed: 03/15/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Youe-Kong SHUE, Carlsbad, CA;

← incorrect - we submitted Applicant Data Sheet

Power of Attorney: The patent practitioners associated with Customer Number 32301

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/32048 09/30/2004

Foreign Applications

and US Prov. No. 60/507,716 (101/03)

If Required, Foreign Filing License Granted: 03/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/574,054

Projected Publication Date: 06/21/2007

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Treatment of a condition in a mammal with administration of aminosugar and uses thereof

Preliminary Class

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DOE/OUS) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER <i>R024-011-US</i> U.S. APPLICATION NO. (known, see 37 CFR 1.5) <i>TB 007574054</i>
INTERNATIONAL APPLICATION NO. <i>PCT/US04/32048</i>	INTERNATIONAL FILING DATE <i>September 30, 2004</i>	PRIORITY DATE CLAIMED <i>October 1, 2003</i>
TITLE OF INVENTION <i>Treatment of a Condition in a Mammal with Administration...</i>		
APPLICANT(S) FOR DOE/OUS <i>Optimer Pharmaceuticals, Inc. and The Scripps Research Institute</i>		
Applicant herewith submits to the United States Designated/Elected Office (DOE/OUS) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input checked="" type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input checked="" type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 35 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.58.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter/2 and 37 CFR 1.821-1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, enter)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
TBD 107574054		PCT/US04/32048		8024-011-US	
20. Other items or information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300				\$ 300.00	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0				\$ 200.00	
All other situations.....\$200					
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0				\$ 100.00	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ 0	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage. (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	33 - 20 =	13	x \$ 50	\$ 650.00	
Independent claims	6 - 3 =	3	x \$200	\$ 600.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$350	\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$ 1380.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 990	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 150.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

10/574054

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 502235 in the amount of \$ 150.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.485 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

SIGNATURE

David M. Kohn, J.D.

NAME

53,150

REGISTRATION NUMBER

LAP5 Rec'd PCT/PTO 29 MAR 2006
PATENT
8024-011-US
10/574054

Certificate of Express Mailing

Under 37 CFR 1.10, I certify that the attached correspondence is being deposited with the United States Postal Service as Express Mail No. EV 669528615 US in an envelope addressed to: **Mail Stop: PCT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: March 29, 2006



Christina Dueñas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: To Be Assigned
)	
Youe-Kong Shue, et al.)	Group Art Unit:
)	
Serial No.: U.S. National Stage of)	
PCT/US04/32048)	Docket No.: 8024-011-US
)	
Filed: Herewith)	Date Mailed: March 29, 2006
)	
For: Treatment of a Condition in a)	
Mammal with Administration of)	
Aminosugar and Uses Thereof)	

TRANSMITTAL LETTER

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is to effect entry of PCT Application PCT/US04/32048 into the United States National Stage under 35 U.S.C. § 371 and 37 C.F.R. § 1.495.

Accordingly, the following documents are transmitted:

1. Transmittal Letter for Submission under 35 USC 371 with Fee Sheet indicating a fee payment of \$150.00, reflecting the basic national stage fee of \$150.00 for a small entity under 37 C.F.R. § 1.492(a) (3 pages);
2. An Application Data Sheet Under 37 C.F.R. § 1.76 giving biographical information on the inventors of the above-identified application as well as details of the claim for priority based on a previously-filed provisional application (2 pages); and
3. A copy of the above-identified PCT application. Because the above-identified PCT application was filed in the United States Patent and Trademark Office, the copy is not required under 37 C.F.R. § 1.495(b)(i). The copy is provided for convenience. (35 pages).

Priority under 35 U.S.C. §§ 119 and 365 is hereby claimed for the national stage application. This priority is claimed to: (1) PCT Application No. PCT/US04/32048, filed on September 30, 2004, and designating the United States; and (2) United States Provisional Patent Application Serial No. 60/507,716 filed on October 1, 2003, from which PCT Application No. PCT/US04/32048 claimed priority.

Respectfully submitted,

Date:

March 29, 2006



David M. Kohn, J.D.
Reg. No.: 53,150

CATALYST LAW GROUP, APC
9710 Scranton Road, Suite 170
San Diego, California 92121
(858) 450-0099
(858) 450-9834 (Fax)

IP5 Rec'd PCT/PTO 29 MAR 2006

APPLICATION DATA SHEET UNDER 37 C.F.R. § 1.76

10/574054

Applicant Information

- (a) Name: Youe- Kong Shue
Residence: Carlsbad, CA, USA
Mailing Address: 7869 Via Teca, Carlsbad, CA 92130, USA
Citizenship: USA
- (b) Name: Franklin W. Okumu
Residence: San Diego, CA, USA
Mailing Address: 3066 Palm Street, San Diego, CA 92104, USA
Citizenship: USA
- (c) Name: Alexander R. Shikhman
Residence: Escondido, CA, USA
Mailing Address: 1037 Orangewood Drive, Escondido, CA
92025, USA
Citizenship: USA
- (d) Name: Martin Lotz
Residence: La Jolla, CA, USA
Mailing Address: P.O. Box 1513, La Jolla, CA 92038, USA
Citizenship: DE

Correspondence Information

Thomas E. Jurgensen, Esq., Catalyst Law Group, APC
Customer Number: 502235

Application Information

- (a) Title: **TREATMENT OF A CONDITION IN A MAMMAL WITH ADMINISTRATION OF AMINOSUGAR AND USES THEREOF.**
- (b) Total Number of Specification Pages: 30
- (c) Total Number of Claims Pages: 3
- (d) Total Number of Drawing Sheets: 5
- (e) Attorney Docket Number: 8024-011-US
- (f) Type of Application: Utility Application under 35 U.S.C. § 371.
- (g) Status of Disclosure of Information from Application under a Secrecy Order: No disclosure of any information from any application under secrecy order.

Representative Information

Customer Number: 502235.

Priority Information

Priority under 35 U.S.C. §§ 119 and 365 is hereby claimed for the national stage application. This priority is claimed to: (1) PCT Application No. PCT/US04/32048, filed on September 30, 2004, and designating the United States; and (2) United States Provisional Patent Application Serial No. 60/507,716 filed on October 1, 2003, from which PCT Application No. PCT/US04/32048 claimed priority.

Assignee Information:

- a) Optimer Pharmaceuticals, Inc., 10110 Sorrento Valley Road, Suite C, San Diego, CA 92121; and
- b) The Scripps Research Institute, 10550 North Torrey Pines Road La Jolla, CA 92037